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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,983	12/27/2000	Jea-Yong Yoo	2950-0180P	3636

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EXAMINER

KE, PENG

ART UNIT PAPER NUMBER

2174

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/747,983

Applicant(s)

YOO ET AL.

Examiner

Peng Ke

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 9-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-15, and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 12/20/04.

Claims 1-7, 9-15, and 17-22 are pending in this application. Claims 1 and 13 are independent claims. In the Amendment, filed on 12/20/04, claims 1 and 13 were amended, and claims 8 and 16 were cancelled, and claims 21 and 22 were added.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-11, 13-15, 17-19, 21, and 22 are rejected under 35 USC 103(a) as being unpatentable over Kim, US-6,133,911 in view of McGraw US 6,300,980

As per claim 1, Kim teaches a method of menu-based remote control of an external device that is connected to an audio/video apparatus (col. 8, lines 31-37), comprising the steps of:

Displaying, on the display unit of the audio/video apparatus, a main menu image including menu items for selecting functions or operations of said external device and menu items for obtaining a detailed menu of said external device, the main menu image being stored in a memory (col. 2, lines 61-67, col. 3, lines 6-10); and

Transmitting command data to said external device, in response to the selection of one of the menu items associated with functions or operations of said external device (*execute*

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*operation*), and/or displaying a menu image of the detailed menu (*display sub-menu*) which has been stored in said memory when one of the menu items for obtaining the detailed menu is selected (col. 5, lines 58-67; col. 6, lines 17-20; col. 6, lines 27-29).

Kim does not explicitly teach the main menu image being stored in the memory of an audio/video apparatus and said audio/video apparatus processes and displays broadcast television signal.

McGraw teaches the main menu image being stored in the memory of an audio/video apparatus and said audio/video apparatus processes and displays broadcast television signal. (col. 1, lines 34-col. 2, lines 8)

It would have been obvious to an artisan at the time of the invention to include McGraw's teaching with the method of Kim in order to provide user with a more versatile display.

As per claim 2, Kim and McGraw teach a method of claim 1. Kim further teaches wherein a menu item on the main menu image displayed in step (a) over which the cursor is positioned is displayed differently from other menu items (S422, S423, Fig. 4).

As per claim 3, Kim and McGraw teach a method of claim 1. Kim further teaches wherein the menu item over which the cursor is positioned is displayed differently from other menu items based on information about the positions of respective areas of menu items on the menu image, the information being stored in a memory of the audio/video apparatus (col. 4, lines 49-60).

As per claim 4, Kim and McGraw teach a method of the claim 1. Kim further teaches wherein the method wherein in step (b), which menu item has been selected is determined based on the position of a cursor on the main menu image the instant that selection key is inputted by a user (col. 4, line 61-col. 5, line 10).

As per claim 5, Kim and McGraw teach the method of claim 1. Kim further teaches wherein the method comprising the step of transmitting to the external device (*instruct receiver*) command data in response to the selection of one of the menu items on the detailed menu displayed in step (b) (col. 5, lines 19-33).

As per claim 6, Kim and McGraw teach the method of claim 1. Kim further teaches wherein the command data is transmitted to request and obtain information of the external device (col. 5, lines 22-25; Fig. 4, S442).

As per claim 7, Kim and McGraw teach the method of claim 1. Kim further teaches wherein the command data is transmitted to request and obtain information stored in a medium (*data that is stored in advance in a database*) (col. 5, lines 41-48). Kim does not explicitly teach the method wherein information is stored in a disk-type medium loaded in the external device. However, official notice is taken that it is well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include store the information in a disk-type medium loaded in the external device.

Claim 8 is cancelled.

As per claim 9, Kim and McGraw teach the method wherein the audio/video apparatus is a television receiver (col. 2, lines 65-66). They do not specifically teach that the apparatus is a digital television. However, official notice is taken that digital televisions with external control devices are well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the television receiver in Kim's invention to be digital in order to improve audio and video quality.

As per claim 10, Kim and McGraw do not teach the method wherein the external device is a DVD player. However, official notice is taken that DVD players with external control devices are well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the external device of Kim to be a DVD player in order to allow the user to utilize the extended capabilities that a DVD player allows (playing of DVDs, VCDs, and CDs).

As per claim 11, Kim and McGraw teach method of claim 1. Kim further teaches the method wherein command data is transmitted from the audio/video apparatus to the external device through an interface (col. 2, line 65-col. 3, line 5).

As per claims 13-15 and 17-19, they are similar in scope to claims 1-3 and 9-11, respectively, and are rejected on the same basis.

Claim 16 is cancelled.

As per claim 21, which is dependent on claim 9, it is of the same scope as claim 10.

(Supra)

As per claim 22, which is dependent on claim 17, it is of the same scope as claim 10.

(Supra)

Claims 12 and 20 are rejected under 35 USC 103(a) over Kim, US-6,133,911 in view of McGraw US 6,300,980 further in view of Humpleman et al (hereinafter Humpleman), US-6,182,094.

As per claims 12 and 20, Kim does not specifically teach the method or audio/video apparatus wherein the interface is an IEEE 1394 interface. However, Humpleman teaches the method wherein the interface is an IEEE 1394 interface (100, Fig. 1; col. 6, lines 10-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Kim with Humpleman's step of using an IEEE 1394 interface in order to create a standardized system that is compatible with other IEEE systems.

#### ***Response to Argument***

Applicant's arguments with respect to claims 1 and 13 have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

A handwritten signature in black ink, appearing to be 'Peng Ke', written over a horizontal line.